

To: Hague, Mark[Hague.Mark@epa.gov]
From: Woolford, James
Sent: Sat 12/12/2015 8:24:55 PM
Subject: FW: WLL

I sent this and then, catching up on email, saw your note.

We argue similar points.

Let me know if I can help further.

Jim Woolford, Director
Office of Superfund Remediation & Technology Innovation
US EPA

Sent from my Windows Phone
Please excuse typos

From: Woolford, James
Sent: 12/12/2015 3:17 PM
To: Stanislaus, Mathy; Richardson, RobinH; Breen, Barry; Stalcup, Dana
Subject: RE: WLL

Here are arguments from the Missouri coalition for the environment:

1) The St. Louis Army Corps of Engineers Formerly Utilized Sites Remedial Action Program must be put in charge of the site now! The Corps is right for the job because:

West Lake Landfill deserves a much needed second opinion after mistakes made by the EPA, it removes a significant amount of influence that Republic Services and Exelon Energy currently enjoy as a Superfund site, the Corps has the technical expertise and track record for the safe cleanup of radioactively contaminated sites in the St. Louis metro area, workers are better protected and compensated at FUSRAP sites than EPA Superfund sites, the Corps is already familiar with the site through current interagency agreements with EPA Region 7 so the transfer will be smooth, the Corps office is local and therefore more accessible to the community

2) MCE supports the safe removal of the radioactive wastes from the West Lake Landfill because the EPA's 2008 decision to "cap-and-leave" the wastes will remain a constant threat to our drinking water, public health, and our environment. The safe removal of the illegally dumped radioactive wastes is necessary because the West Lake Landfill:

was never designed to permanently store radioactive material,
has no liner separating the radioactive material from the groundwater,
is in the floodplain of the Missouri River,
is upstream from St. Louis regional drinking water intakes,
is in an urban area,
is vulnerable to earthquakes,
is threatened by a smoldering landfill fire or future fires,
is susceptible to tornadoes, and

is at a site never designed to temporarily or permanently store radioactive material.

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I have little exposure to the USACE-FUSRAP program since I went over to OSRTI.

Background. Around 1997 Congress transferred responsibility for remediating some of the former DOE sites to the USACE. DOE and the USACE then signed a MOU defining their respective responsibilities. The Legacy Management office at DOE has responsibility for monitoring the sites and operating any technologies and ICs.

The USACE did get the St Louis property sites which were in reality not nearly as technically challenging as WLL. Generally these properties had some radioactively contaminated soils as fill. Most of the cleanup has been a relatively simple dig and haul although special precautions were required due to the radioactivity. Most if not all if these properties/sites were on the NPL and thus had EPA oversight from Region 7.

Interestingly, remediation work at the sites in and around St. Louis has been going on for almost 20 years. The most recent ROD was 10 yrs ago and remediation work is still going on. Not exactly expeditious.

The challenge the USACE will have is there is an actively engaged PRP doing work. The FUSRAP sites where the USACE has responsibility don't typically have this element as far as I can recall. That is, they are doing the work and not overseeing PRPs doing work. I don't think they are particularly well suited to perform such a task. The MCE seems to believe the USACE can somehow ignore the PRPs. I can't see that happening unless there is a cash out settlement. The PRPs to date have not signaled any such interest.

I cld find 3 LFs in the USACE's FUSRAP portfolio. At each, (the Tonawanda LF in NY, Middlesex Muni LF in NJ and Shpack LF in Mass) the USACE is doing the work. I could not find any evidence of PRP involvement with the USACE .

Shpack is on the NPL abd has a separate EPA / PRP element. The USACE did excavate rad waste there - about 50 k cubic yards. The entire site achieved CC about a year ago. Not all rad contamination was excavated.

At Tonawanda LF, the most recent info I cld find is the USACE has issued a PP in Sept 2015 with the following preferred alternative : "targeted shallow removal and off site disposal of fusrap-related material to address the contaminated soils in the LF OU". The removal depth is approx 5 ft. 1000 yr post closure monitoring is also included. They propose to leave more deeply buried waste in place. Public comment pd closes Dec 14. Remedy is estimated to cost about \$12 M. They proposed a "deep excavation " alternative costing about \$55M. It was not their preferred alt. Each alternative has off site disposal.

I mention the above becuz if the rationale or belief behind the legislative push for a change to the USACE is that the LF will be excavated and all the rad/FUSRAP waste will be removed, that is a huge leap of faith. Tonawanda is in many respects most similar to WLL.

PROS and CONS for transfer

- Pros

1) Significant public discontent with EPA. (but the allegations of mismanagement stem from disagreement with the first ROD and that the subsequent work has not resulted in a new ROD requiring full excavation of all the rad waste.)

2) USACE generally has good reputation in St Louis area

3). The radioactive waste is similar to FUSRAP-related materials. Some argue it is. USACE has experience here.

4). USACE had some knowledge of site due to support on the subsurface smoldering event - but not the WLL site - so an easy transition is not a given

5) site has been a significant investment for R 7 - they cld redirect to other sites

- Cons

1) USACE does not have experience working with or overseeing PRPs

2). Uncertain PRP reaction - PRP has generally been cooperative with EPA. Republic owns the LF. When the legislation was announced, their statements were in opposition citing potential for significant delays.

3). Despite community negativity, work on both the SSI and the characterization of the WLL has been progressing. Sorting thru the USACE role and bringing the USACE up to speed will likely stop progress towards a new PP.

4) related to #3 - there are a number of EPA enforcement instruments - AOCs and UAOs - in place that cover WLL. Not clear how the legislation would/ could affect. What happens with special account? Can USACE access?

5). The US (DOE) is a PRP. Negotiations have been ongoing with them and DOJ / ED.

6). Outcome/remedy could be not much different than an EPA-lead process. The work has to go thru the same CERCLA process. Full excavation faces two significant challenges that I see :
1 - FAA concerns about bird strikes from SL airport and 2 - not likely to be a cost effective remedy under CERCLA.

There is no evidence of off site contaminated GW migration and the GW likely will be monitored at the fenceline. If CoCs are identified, then the remedy will be to pump and treat - that will be less costly and safer -see FAA - than full excavation. Same level of protectiveness.

Tornadoes are surface events. Assuming there is a cap of substance, it a tornado very unlikely to have an effect. Not far away from here is the above ground (75 feet) DOE Weldon Springs waste storage facility/disposal cell- part of a state park if memory serves. It is much more vulnerable to tornadoes. It has, according a website., 1.5 M cubic yards of hazardous wastes.

7). I have heard DOE does not support

8). Not sure about the USACE - but I think they are not in support

9). Putting site under the USACE is one thing, will they have resources to address? Likely would adversely affect delay other FUSRAP sites if no more funding.

Jim Woolford, Director
Office of Superfund Remediation & Technology Innovation
US EPA

Sent from my Windows Phone
Please excuse typos

From: Stanislaus, Mathy
Sent: 12/11/2015 8:10 PM
To: Woolford, James; Richardson, RobinH; Breen, Barry
Subject: Fwd: WLL

Can you give me your thoughts on this question? I frankly can make an argument both ways

Mathy Stanislaus
USEPA Assistant Administrator

Begin forwarded message:

From: "Distefano, Nichole" <DiStefano.Nichole@epa.gov>
Date: December 11, 2015 at 7:51:42 PM EST
To: "Stanislaus, Mathy" <Stanislaus.Mathy@epa.gov>, "Hague, Mark" <Hague.Mark@epa.gov>
Subject: WLL

Mathy and Mark

I am going to raise the WLL issue with Gina via email.

I need to know from you both how strongly you feel about her weighing in on this. There may be a couple of things she can try to do if we want to suggest she try to stop it - though it may not work. She also may come to that conclusion on her own. That said, I need to know from you all what you would suggest.

She gets back on Sunday so she may want to discuss with us when she lands.

Sent from my iPhone